

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT DEPARTMENT**

**STANDING ORDER 5-08  
MEDICAL CERTIFICATES AND CLINICAL TEAM REPORTS**

**IT IS HEREBY ORDERED THAT:**

1. Any party filing a petition for guardianship or a motion for temporary guardianship on the grounds of mental illness or physical incapacity or a petition for conservatorship or a motion for temporary conservatorship on the grounds of mental weakness shall file a Medical Certificate on a form approved by the Court. Petitions not accompanied by a Medical Certificate shall not be heard nor shall a citation issue thereon. Motions for temporary guardianship or conservatorship not accompanied by a Medical Certificate shall not be heard unless the Court, for good cause, determines otherwise.
2. The submission of Clinical Team Reports in guardianship and conservatorship matters involving mentally retarded persons is governed by G.L. c. 201, §§ 6A, 6B.
3. Medical Certificates and Clinical Team Reports shall be impounded and not available for public inspection. These documents shall be available for inspection to the Court, the attorneys whose appearances are entered in the case, the parties to the case, including the ward or proposed ward, any guardian *ad litem* appointed in the case and any Probation Officer assigned to the case. They may not be copied without further order of the Court, but Registry staff may scan them into an impounded computer file.
4. Parties, attorneys, guardians *ad litem*, Probation Officers and Registry docketing and scanning staff with access to a Medical Certificate are prohibited from using or disclosing the information on the form for any purpose other than the guardianship or conservatorship case for which it was filed.
5. Any physician, certified psychiatric nurse clinical specialist or licensed psychologist who has examined the ward or proposed ward, and any other covered entity, as defined in the Health Insurance Portability and Accountability Act of 1996 and regulations propounded thereunder, with health information about the ward or proposed ward is hereby authorized to disclose on a Medical Certificate form any and all protected health information necessary to complete the form, and all such persons and entities are authorized to file or have filed the completed form in guardianship or conservatorship proceedings regarding the ward or proposed ward.
6. This Standing Order shall be sufficient for the limited purposes of a) providing the health information needed for the Medical Certificate; b) filing the Medical Certificate in Court; and c) presenting evidence, whether oral or written, in any proceeding to appoint a guardian or conservator for the same person, so as to overcome any federal or state statutory or regulatory restrictions on the disclosure of confidential information relating to the ward or proposed ward by a health care provider, the release of which would otherwise require the authorization of the ward or proposed ward (including but not limited to restrictions in the Health Insurance Portability and Accountability Act of 1996 and the regulations propounded thereunder). A completed Medical Certificate shall be used for no other purpose. This Standing Order alone shall not be deemed to waive any privilege that may apply.
7. This Standing Order shall not impair or restrict other means or methods authorizing the release of information regarding a proposed ward.

July 28, 2008  
Date

//PMC  
Paula M. Carey  
Chief Justice